

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

KENNETH GARDNER

CIVIL ACTION

VERSUS

NO. 16-16982

BRAND ENERGY SOLUTIONS, LLC, ET AL.

SECTION "B"(5)

ORDER

Considering Plaintiff's "Motion for Reconsideration" (Rec. Doc. 82), which states that Defendants do not oppose a continuance of trial, and Plaintiff's motion to expedite (Rec. Doc. 83),

**IT IS ORDERED** that Plaintiff's motion to expedite (Rec. Doc. 83) is **GRANTED**.

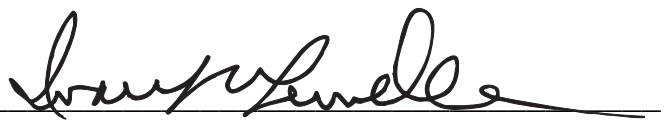
**IT IS FURTHER ORDERED** that Plaintiff's motion for reconsideration (Rec. Doc. 82) is **GRANTED**. Recently approved medical treatment and uncertainty about the extent of any future disability is good cause for a limited continuance of trial. See, e.g., *Jones v. Phil Guilbeau Offshore, Inc.*, No. 13-5078, 2014 WL 4186784, at \*1 (E.D. La. Aug. 22, 2014) ("[P]laintiff's medical uncertainty constitutes good cause to justify the continuance of trial."); *Augman v. Seacor Marine, LLC*, No. 07-1508, 2008 WL 8694786, at \*3 (E.D. La. June 23, 2008) (finding good cause to continue trial because resolution of medical uncertainty will allow for "better assessment of Plaintiff's post-accident capabilities, the extent of his disability, . . . his work prognosis, and . . . damages"). We recognize however there are

still remaining but fully discovered serious liability questions in this case.

**IT IS FURTHER ORDERED** that the jury trial currently scheduled for July 16, 2018, is **CONTINUED** to allow the parties time to discover relevant evidence about Plaintiff's lately developed medical conditions and treatments. Discovery is closed except with respect to those medical developments. See Augman, 2008 WL 8694786, at \*3. **The parties are reminded that they are obligated to diligently litigate this case and comply with all deadlines; failure to do so may result in sanctions. See Fed. R. Civ. P. 1, 16.**

**IT IS FURTHER ORDERED** that the parties jointly file a proposed revised trial date **by July 16, 2018**, keeping in mind the limited nature of the continuance. The Court will schedule revised pre-trial and trial dates after review of the parties' submission.

New Orleans, Louisiana, this 10th day of July, 2018.

  
SENIOR UNITED STATES DISTRICT JUDGE